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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May - 1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution of the Committee on Economic, Social and Cultural Rights to the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Note by the Secretary-General

In its resolution 2000/14 of 17 April 2000, the Commission on Human Rights invited United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance to participate actively in the preparatory process for the World Conference (para. 66). The General Assembly, at its fifty-fifth session, also requested human rights mechanisms to assist the Preparatory Committee and to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee, through the Secretary-General, and to participate actively in the Conference (resolution 54/154, para. 37). Accordingly, the contribution of the Committee on Economic, Social and Cultural Rights to the second Preparatory Committee is contained in the present document.

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Annex

1. The Committee on Economic, Social and Cultural Rights submitted its initial contribution to the preparatory process for the World Conference in the form of the Committee's General Comments Nos. 11 and 13 on the right to education, including primary education (articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights), together with the introductory statement by the Committee contained in document A/CONF.189/PC.1/14 (29 February 2000).

2. Given the importance of education in the struggle against racism and racial discrimination, the Committee calls attention to the right to education, highlighting in particular General Comment No. 13, adopted in December 1999, on article 13 of the Covenant (E/C.12/1999/10) and its companion General Comment No. 11, adopted in May 1999, on article 14 of the Covenant (E/C.12/1999/4). The General Comments will be made available as background documents at the World Conference.

3. The Committee's General Comments Nos. 11 and 13 emerged from a long process of consultation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the International Labour Organization (ILO), Ms. Katarina Tomasevski (Special Rapporteur of the Commission on Human Rights on the right to education), Mr. Mustapha Mehedi (member of the Sub-Commission on the Promotion and Protection of Human Rights), other independent experts and numerous non-governmental organizations. The process was informed by one of the Committee's Days of General Discussion, held on 30 November 1998, three workshops organized by the non-governmental community and many informal consultations with a wide range of actors. Significantly, General Comment No. 13 explicitly draws upon and, in appropriate cases, incorporates relevant international norms, such as passages from the Convention on the Rights of the Child, which have been elaborated since the Covenant was adopted by the General Assembly in 1966. Further, it especially takes account of jurisprudence emerging from other human rights treaty bodies, such as the Human Rights Committee and the Committee on the Rights of the Child.

4. General Comment No. 11 focuses on the obligations of States parties to adopt a plan of action to ensure the progressive implementation of the right to compulsory primary education, free of charge, as provided for under article 14 of the Covenant. Plans of action in accordance with article 14 of the Covenant are especially important, as the work of the Committee has shown that the lack of educational opportunities for children often reinforces their subjection to various other human rights violations. General Comment No. 13 is the most detailed and authoritative commentary on article 13 of the Covenant, which the General Comment describes in its paragraph 2 as "the most wide-ranging and comprehensive article on the right to education in international human rights law". A number of passages in General Comment No. 13 especially bear upon racism and racial discrimination. One such passage is paragraph 31, which states that "[t]he prohibition against discrimination enshrined in article 2.2 of the Covenant is subject to neither progressive realization nor the availability of resources, it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination".

5. The opening words of General Comment No. 13 summarize the contribution of the Committee on Economic, Social and Cultural Rights to the first session of the Preparatory Committee in May 2000:

> "Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities."

6. Equally, the right to education is one of the vehicles by which the world can rid itself of racism, racial discrimination, xenophobia and related intolerance. Thus, one strategy for the elimination of racism is renewed commitment, supported by the necessary resources, to realize the right to education as enshrined in the Covenant.

7. The recommendations of the Committee on Economic, Social and Cultural Rights to the World Conference will be submitted to the World Conference, after their adoption during the Committee's twenty-fifth session, to be held from 23 April to 11 May 2001.